

REMARKS

This application has been reviewed in light of the Office Action mailed July 24, 2008. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 18 are pending in the application with Claims 1 – 6 having been previously withdrawn. Of the presently elected claims, Claims 7 – 10, 12 – 15 and 17 are in independent form. By the present amendment, Claims 7 – 10, 12 – 15 and 17 are amended and Claims 19 – 21 are newly added. No new subject matter is introduced into the disclosure by way of the present amendment.

I. Rejection of Claims 7 - 18 Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects Claims 7 – 18 under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Specifically, Claim 7 is rejected because the recited phrase: "...timing for switching communication direction of the receiving and transmitting..." lacks antecedent basis. Claims 8 – 18 recite "communication direction" as well. Also, Claims 12 and 17 are rejected because the phrase "...the antenna that is assured to be communicable..." lacks antecedent basis. Additionally, Claims 9 and 14, reciting: "...operation for connection for the transmission or receiving..." lacks antecedent basis as well.

In response Claims 7 – 18 have been amended to correct the lack of antecedent basis.

Moreover, the Examiner is unclear how an operation can be "not establishable", recited in Claims 9 and 14. In response, Claims 9 and 14 have been amended to clarify what is meant by "not establishable". Specifically, Claims 9 and 14, as amended, recite: "...when an operation for connection for the transmitting or receiving fails to establish the connection..."

Furthermore, Claims 12 and 17 are rejected because the Examiner is unclear how knowledge of the extracorporeal device's transmit/receive state is capable of assuring the selection of a communicable antenna.

To clarify how the transmit/receive state is used to assure the selection of a communicable antenna, Claims 12 and 17 are amended to recite: "...the extracorporeal device generates a transmission/reception switching signal for switching between the transmitting and receiving in accordance with the communication state detected by the detecting device and synchronizes timing for switching the antenna with timing for switching communication direction of the receiving and transmitting using the transmission/reception switching signal as a clock signal, and when the receiving strength data is not obtainable in the selecting of the antenna by the antenna selecting device, the extracorporeal device refers to the communication state stored in the storing device to control the antenna selecting device to select the antenna that is assured to be communicable."

Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 7 – 18 under 35 U.S.C. § 112, second paragraph.

II. Rejection of Claims 7 – 18 Under 35 U.S.C. § 102(a)

Claims 7 – 18 are rejected under 35 USC 102(a), as anticipated by US Publication No. 2003/0085994 to Fujita, et al. (hereinafter, "Fujita '994").

Fujita '994 fails to teach that the extracorporeal device generates a transmission/reception switching signal for switching between the transmitting and receiving in accordance with the communication state detected by the detecting device and synchronizes timing for switching the antenna with timing for switching communication direction of the receiving and transmitting using the transmission/reception switching signal, as recited in the Claims. (Emphasis added).

It is well-settled by the Courts that “[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984).

Therefore, as demonstrated above, because Fujita ‘994 does not disclose each and every element recited in the present claims, Applicants respectfully submit that the rejection has been obviated. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 7 - 18 under 35 U.S.C. § 102(a).

III. Newly Added Claims 19 – 21


Newly added Claims 19 – 21 recite similar features as presented in Claims 7 – 18, including the features identified as novel over the cited prior art. Consequently, Claims 19 – 21 do not introduce new subject matter into the disclosure. Moreover, Claims 19 – 21 are believed to be allowable over the cited prior art reference for at least the reasons presented above.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 7 – 21 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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